

OGC HAS REVIEWED.

13 June 1947

File:
Personnel
Detail

MEMORANDUM FOR EXECUTIVE OFFICER, CONTACT BRANCH

Subject: Policy Governing Classification of
Positions in CIG

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1. With reference to your memorandum of 12 June 1947, we have considered the specific questions put by you and state our answers below. In view of the many factors that enter into personnel questions, we do not warrant these answers to be complete and final, and suggest that any case appearing to have special problems be submitted for individual consideration. We trust, however, that these answers will be of some use as a general guide. The answers are numbered to correspond with the questions.

(1) We believe the answer as to any legal right to a raise under these circumstances is conclusively that there is none. This may be explained a bit by saying that the normal policy is set down in the Civil Service Departmental Circular 587 of 18 April 1947, which permits the detailing of employees to a position classified at a higher grade for six months with no recourse to a claim for the increased salary. At the end of the six months period they may be re-detailed for a further period of six months or returned to their former position. If they are neither redetailed nor returned but are continued in the higher grade, the employee may demand a desk audit of his job and, under an adverse ruling, could normally appeal to the Civil Service Commission, whose decision in his favor would be binding upon the office concerned. However, all of this policy has no application to Schedule A appointments where personnel administration is left to the internal decision of the agency. This is our reason for stating that there is no legal basis entitling the employee to a raise.

(2) This is answered by (1) above, but normally there is plenty of precedent for making the demand and right to appeal. Again, though under Schedule A there is no objection to the employee making the demand and it is possible that he could appeal, any ruling of the

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Commission on such an appeal would be advisory and not binding on the agency. Consequently, the final ruling is in the discretion of the agency administration.

(3) It is my understanding that there is no specific CIG policy except for the general reclassification policy mentioned below. However, any demand for a raise under these circumstances would require review by the Personnel Branch, and in the event of an adverse ruling we feel the employee would have a right to appeal to the head of the agency through the appropriate assistant director. The ruling of the Director would be final.

(4), (5) and (6) will be answered together to the effect that there are definite policies established by the Civil Service Commission for the length of service in a grade before one is entitled to promotion to a higher grade. As you suggest, these periods vary according to the grade. CIG is following these policies, and I am informed that a general memorandum on this subject is at present awaiting signature and should discuss in detail the problems you have in mind.

(7) The Civil Service policy which is followed by CIG on transfer of an employee from one grade to a lower grade is to give in the lower grade the same number of in-grade increases which had been granted in the higher grade, or, if the employee had previously served in the lower grade and had received no in-grade increases in higher grades, to give him the number of in-grade increases to which he would have been entitled had he remained in the lower grade. This rule applies to changes within the agency, but on transfers from another agency the remarks under (8) below are applicable.

(8) is answered in considerable detail, we believe, by the memorandum of 4 February from [REDACTED] to all assistant directors on the policy governing classification of positions in CIG. There is to our knowledge no over-all Civil Service policy and, in any case, CIG would exercise final discretion in such circumstances. You will note that in paragraph 1d(1), new employees from other agencies will enter on duty at the base pay

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rate of the grade and position for which employed. Similarly, in paragraph 1d(2), individuals employed without classified status, when finally put in a classified position, will start at the base rate. 1d(3), however, states that those down-graded from previous Civil Service classified jobs will be given the pay rate in the lower grade at the level recommended by the using activity. The same rule applies to those transferred from other agencies where they have held higher classified grades than those to which assigned in CIG.

2. we trust these answers are of some assistance, and we will be glad to consult with you on any individual cases.

LAWRENCE R HOUSTON
General Counsel

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